

Remarks

In the Office Action, the Examiner noted that claims 1 to 10 and 14 to 28 are pending in the application; and that claims 1 to 10 and 14 to 28 are rejected. By this amendment, claims 1, 4, 5, 6, 10, 14 and 22 to 28 have been amended. Thus, claims 1 to 10 and 14-28 are pending in the application. No new subject matter has been inserted through these amendments. All of the amendments are fully supported by the specification. Specifically, claims 1, 4, 5, 6, 10 and 14 have been amended to delete the non-elected subject matter. Claims 1, 10 and 14 have also been amended to delete the recitation of hydrate or solvate. Finally, claims 22 to 28 have been amended to delete the bone diseases. The Examiner's rejections are respectfully traversed below.

Comments on Restriction and Rejoinder of Claims

The Examiner has made the twelve-way restriction final and has objected to claims 1, 10 and 14 as containing the non-elected subject matter. As noted above, by way of this amendment, claims 1, 10 and 14 as well as claims 4 to 6 have been amended to delete all of the references to non-elected subject matter. Further, it is noted with much appreciation non-withdrawal of method of preparation claims 7 to 9 and method of treatment claims 22 to 28. Thus, it is presumed that claims 7 to 9 and 22 to 28 have been rejoined commensurating in scope to that of independent compound claim 1.

Information Disclosure Statement

The Examiner alleges that the two foreign patent references cited on Form 1449 submitted with the application on December 2, 2004 is not legible thus not in compliance with 37 CFR 1.98(a)(2), and thus have not been entered. In view of this, a new Form 1449 listing these two foreign documents with legible copies of said documents along with a transmittal letter is concurrently filed herewith. Entry of which is respectfully requested.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 1-10 and 14-28 stand rejected under 35 U.S.C. 112, First paragraph, because the Examiner alleges that the specification while being enabling for the preparation of parent compounds and their solvates, does not reasonably provide enablement for the preparation of their hydrates.

However, as noted above, the affected claims 1, 10 and 14 have been amended by deleting references to both “hydrates and solvates”, thus obviating this rejection. Accordingly, withdrawal of rejection as to claims 1-10 and 14-28 is respectfully requested.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 22-28 stand rejected under 35 U.S.C. 112, First paragraph, because the Examiner alleges that the specification while being enabling for all of the disorders except bone diseases, does not reasonably provide enablement for treatment of all bone diseases.

However, as noted above, claims 22-28 have been amended by deleting “bone diseases”, thus obviating this rejection. Accordingly, withdrawal of rejection as to claims 22-28 is respectfully requested.

Claim Objections

Claims 1, 10 and 14 stand objected as being containing non-elected subject matter.

As noted above, all of the non-elected subject matter have been deleted from claims 1, 10 and 14. That is, claims 1, 10 and 14, as amended, recite only R4 = pyrazinyl, the elected subject matter. Similarly, other dependent claims 4-6 have accordingly been amended, thus obviating this objection. In view of the foregoing, withdrawal of objection as to claims 1, 10 and 14 is respectfully requested.

Conclusions

In view of the above Remarks, it is respectfully submitted that claims 1 to 10 and 14 to 28 are now in condition for allowance and the early issuance of this case is respectfully requested. In the event the Examiner wishes to contact the undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

Applicants believe there are no fees due for this Rule 111 Amendment. However, if the Examiner deems that fees are due, please charge these fees to Deposit Account No. **18-1982** for sanofi-aventis U.S. LLC, Bridgewater, NJ. Please credit any overpayment to Deposit Account No. **18-1982**.

Respectfully submitted,

Date: November 8, 2007

/Balam Gupta, Reg. No. 40,009/
Balam Gupta, Ph. D., J. D.
Registration No. 40,009
Attorney for Applicants

sanofi-aventis U.S. LLC
US Patent Operations
Route #202-206 / P.O. Box 6800
MAIL CODE: BWD-303A
Bridgewater, NJ 08807-0800
Telephone: 908-231-3364
Telefax: 908-231-2626